IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 511 OF 2006

MR. MARTIRES DIAS, CUNCOLIM, SALCETTE GOA. ....Petitioner

Versus

THE CHIEF OFFICER, CUNCOLIM MUNICIPAL COUNCIL AND ANR., ...Respondents

Mr. Rohit Bras De Sa, Advocate for the petitioner.

Mr. Sanjay M. Chodankar, Advocate for respondent no.2.

Coram:- J. N. PATEL, J.

Date:- 29th November, 2006

P.C.

Heard.

1. The petitioner approached this Court invoking jurisdiction under Article 227 of Constitution of India seeking direction against the Administrative Tribunal at Panaji to decide the Municipal Appeal no.23/06 and Miscellaneous Stay Application 30/06 as expeditiously as possible preferably within a time frame and further to direct the Administrative Tribunal to afford the petitioner an opportunity of being heard.

2. It is the case of the petitioner that he has filed an application for intervention in the matter as he is the effected party of the person who lodged a complain to the Chief Officer of the Municipal Council in respect of unauthorised and illegal construction, which by interim order passed by the Tribunal is protected and therefore the Tribunal should afford an opportunity to intervenor.

3. The learned Counsel for the petitioner has placed on reliance in the unauthorised in the case of Sine Fine Advertising Pvt. v. Village Panchayat of Penha de France, Writ Petition No.90/2006 dated 16.8.2006.

4. The learned Counsel appearing for respondent no.1 Municipal Council states that the application for intervention can be decided on its own merits by the Tribunal as it is pending.

5. The learned Counsel appearing for respondent submits that they are not yet served with the copy of the application for intervention, on this the learned Counsel for the petitioner informs the Court that the Tribunal has not even issued notice to the parties and it kept pending.

6. Therefore this Court disposed of this petition with the direction to the Administrative Tribunal at Panaji to hear the petitioner on his application for intervention and disposed of the Miscellaneous Stay Application no.30/2006 as expeditiously as possible and within a paeriod of four weeks from the date of communication of this Court and thereafter Municipal Appeal no.23/2006 within a period of three months, if an interim stay protecting the unauthorised structure is continued.

7. The petition stands disposed of accordingly.

8. Authenticated copy to be furnished to the learned Counsel for the petitioner.

J. N. PATEL, J.

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